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# GOVERNMENT GAZETTE

## BOLETIM OFICIAL

### SUPPLEMENT

(SUPLEMENTO)

#### GOVERNMENT OF GOA, DAMAN AND DIU

##### Law and Judicial Department

##### Notification

LD/4/3/68

#### The Goa, Daman and Diu Civil Service (Judicial Branch) Rules, 1970

In exercise of the powers conferred by Article 309 of the Constitution and all other powers enabling him in this behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules after consultation with the Judicial Commissioner's Court, namely:—

##### PART I

##### General

1. **Short Title and Commencement.**— (i) These rules may be called the Goa, Daman and Diu Civil Service (Judicial Branch) Rules, 1970.

(ii) They shall come into force at once.

2. **Definitions.**— In these rules, unless the context otherwise requires:

(a) "Administrator" means the Administrator appointed under article 239 of the Constitution for the Union territory of Goa, Daman and Diu;

(b) "Commission" means the Union Public Service Commission;

(c) "Duty post" means any post specified in the schedule and includes a temporary post carrying the same designation as any of the posts specified

thereunder and the scale of which is identical to that attached to Grade I or Grade II of the Service and any other temporary post declared as duty post by the Administrator;

(d) "Government" means the Government of Goa, Daman and Diu;

(e) "Member of the Service" means a person appointed to either the grade of the Service on probation or in a substantive, officiating or temporary capacity to a cadre post in accordance with these rules;

(f) "Schedule" means the schedule appended to these rules and

(g) "Service" means the Goa, Daman and Diu Civil Service (Judicial Branch).

#### 3. Constitution of Service and its Classification. —

(i) There shall be constituted a Central Civil Service known as Goa, Daman and Diu Civil Service (Judicial Branch).

(ii) The Service shall have two grades in the following four classes:

- Selection Grade
- Grade I
- Grade II (Senior)
- Grade II (Junior).

(iii) The posts in Selection Grade and Grade I shall be Central Civil posts, Class I Gazetted, and those in Grade II (Senior and Grade II (Junior) shall be Central posts, Class II Gazetted.

##### PART II

##### Authorised strength

4. **Strength of Service.**— (i) The authorised permanent and temporary strength of the Service and

the posts included therein shall be as specified in the Schedule.

(ii) The Central Government or the Administrator subject to such conditions and limitations as may be prescribed by the Central Government, may, by an order create duty posts for such period as may be prescribed therein.

### PART III

#### Method of recruitment

**5. Method of Recruitment.** — (1) Save as provided in rules 16 and 29 appointment to the Service shall be made by the following methods, namely: —

(a) not more than 66½ percent of the substantive vacancies which occur from time to time in the authorised strength of the Service, shall be filled in by direct recruitment in the manner specified in Part IV of these rules, and

(b) the remaining such substantive vacancies shall be filled by selection in the manner specified in Part V of these rules from amongst: —

(i) officers who hold substantively any of the posts under the Government of Goa, Daman and Diu and the Judicial Commissioner's Court specified in schedule II.

(ii) officers who may be considered for appointment to this service at its initial constitution though not actually appointed thereto under Rule 16 and who substantively hold

(a) Any of the posts specified in Schedule I or

(b) Any of the posts under the Government of Goa, Daman and Diu, carrying the same designation as any of the posts specified in Schedule I;

Provided that the incumbent of the posts referred to in the aforesaid clauses (i) and (ii) holds a degree in law of a recognised university and has put in not less than 2 years of service as such.

Provided further that nothing in these rules shall preclude the Administrator from holding a vacancy in abeyance, or filling it on an officiating basis in accordance with the provisions in Part VIII of these rules.

(2) If the exigencies of service so require, the Administrator may, in consultation with the Commission, vary the percentage of posts to be filled in by each method specified in sub-rule (1).

### PART IV

#### Direct recruitment

**6. Competitive examination.** — (1) A competitive examination for direct recruitment to the Service i. e. Grade II (Junior) shall be held at such intervals as the Administrator may, in consultation with the Commission from time to time, determine. The dates on which and the places at which the examination shall be held shall be fixed by the Commission.

(2) The qualifications for admission to the examination and the conduct thereof shall be in accordance with such regulations as the Administrator may, from time to time, issue in this behalf in consultation with the Commission.

**7. Decision of the Commission to be final.** — The decision of the Commission as to the eligibility or otherwise of the candidate for admission to the examination shall be final and no candidate to whom a certificate of admission has not been issued by the Commission shall be admitted to the examination.

**8. Commission to forward a list in order of merit.** — The Commission shall forward to the Administrator a list arranged in order of merit of the candidates who have qualified by such standards as the Commission may determine, and of the candidates belonging to the Scheduled Castes and the Scheduled Tribes who though not qualified by that standard are declared by the Commission to be suitable for appointment to the Service with due regard to the maintenance of efficiency of administration.

**9. Physical fitness.** — No candidate shall be appointed to the Service unless he is declared after such medical examination as the Administrator may prescribe, to be in good mental and bodily health and free from any mental or physical defect likely to interfere with the discharge of the duties of the Service.

**10. Inclusion in the list not to confer right to appointment.** — The inclusion of a candidate's name in the list referred to in rule 8 confers no right to appointment unless the Administrator is satisfied after such enquiry as may be considered necessary that the candidate is suitable in all respects for appointment to the Service and an actual offer of appointment is made.

**11. Appointment of candidates included in the list.** — (1) Subject to the provisions of these rules, the candidates will be considered for appointment to the available vacancies in the order in which their names appear in the list referred to in rule 8.

(2) In filling the vacancies reserved for member of the Scheduled Castes and the Scheduled Tribes respectively, candidates belonging to these communities shall be considered for appointment in the order in which their names appear in the list irrespective of their relative rank as compared with other candidates:

Provided that if a sufficient number of suitable candidates who are members of the Scheduled Castes and the Scheduled Tribes is not available for filling all the vacancies so reserved, the remaining vacancies shall be filled by the appointment of the other candidates in the list and an equivalent number of additional vacancies shall be reserved for candidates belonging to the Scheduled Castes and the Scheduled Tribes to be filled on the results of the next examination:

Provided further that if a sufficient number of suitable candidates belonging to the Scheduled Castes and the Scheduled Tribes is not available as a result of the said next examination to fill all the reserved vacancies, including the additional vacancies, the additional vacancies, or such of them as are not filled, shall lapse.

### PART V

#### Recruitment by selection

**12. Constitution of Selection Committee.** — Recruitment under clause (b) of sub-rule (1) of rule 5,

shall be made on the recommendation of a Selection Committee (hereinafter referred to as the "Committee"), consisting of:

**Chairman**

- (i) The Chairman or a Member of the Commission;

**Members**

- (ii) Judicial Commissioner, Goa, Daman and Diu; and  
(iii) the Law Secretary to the Government of Goa, Daman and Diu.

**13. Conditions of eligibility and procedure for selection.**— (1) The Committee shall consider from time to time the cases of officers eligible under clause (b) of sub-rule (1) of rule 5, who have served in the respective cadres or posts, as the case may be, for not less than two years and prepare a list of officers recommended, taking into account the actual vacancies at the time of selection and those likely to occur during a year. The selection for inclusion in the list shall be based on merit and suitability in all respects for appointment to the Service with due regard to seniority.

(2) The names of persons included in the list shall be arranged in order of merit.

(3) The list of prepared shall be forwarded by the Committee to the Administrator.

**14. Consultation with the Commission.**— The list prepared under rule 13, shall be forwarded by the Administrator to the Commission, where consultation with the Commission is necessary, or where the Chairman of the Committee desires that a reference be made to the Commission along with the relevant records.

(2) If the Commission considers it necessary to make any changes in the list received from the Administrator, the Commission shall inform the Administrator of the changes proposed.

(3) The list shall finally be approved by the Administrator after taking into account the changes, if any, proposed by the Commission.

(4) The list thus finally approved shall ordinarily be in force until a fresh list is prepared for the purpose in accordance with these rules.

**15. Appointment to Service.**— Appointment to the Service shall be made in the order of merit in the list referred to in sub-rule (4) of rule 14 with due regard to the proportion specified in rule 5.

**PART VI**

**Initial Constitution of Service**

**16. Initial appointment of person to the Service.**—

- (1) The Administrator may, at the commencement of these rules, appoint to the Service any person who at such commencement is holding any of the posts specified in the Schedule I or the post of Notary Public under the Government of Goa, Daman and Diu:

Provided that the appointment to the Service of those officers who belong to, or are on deputation from a service under the Central or a State Govern-

ment shall be made with their consent and the concurrence of the Department or Government, as the case may be, to which they belong.

*Explanation.*— For the purpose of this sub-rule, a person who would have held a post mentioned in the Schedule but for his being on leave or on foreign service or but for his temporary or officiating appointment to an equivalent or higher post, shall be deemed to be holding such a post.

(2) (i) For the purpose of appointment of persons referred to in sub-rule (1), the Administrator shall require the Committee to make a preliminary selection from among the officers referred to in that sub-rule of such of them who in its opinion are suitable for appointment to the Service. The names of the Officers so selected shall be arranged by the Committee in the order of merit with due regard to seniority.

(ii) The list prepared under clause (i) shall be forwarded by the Committee to the Administrator. Thereupon the Administrator shall forward the same to the Commission along with the relevant records.

(iii) If the Commission consider it necessary to make any changes in the list received from the Administrator the Commission shall inform the Administrator of the changes proposed.

(iv) The list shall finally be approved by the Administrator after taking account the changes, if any, proposed by the Commission.

(3) Initial appointment to the Service shall be made in the order of merit of persons included in the finally approved list referred to in clause (iv) of sub-rule (2).

**PART VII**

**Appointment, probation, training and confirmation**

**17. Appointments.**— All appointments to the Service shall be made to Grade I or Grade II of the Service and not against any specific post included in the Service.

**18. Disqualification.**— (a) No person who has more than one wife living, or was having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to the Service, and

(b) no woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to the Service.

Provided that the Administrator may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

**19. Special Provision for Scheduled Castes and Scheduled Tribes.**— Appointments to the Service made by direct recruitment shall be subject to the Orders regarding special representation in the Services for the Scheduled Castes and the Scheduled Tribes issued by the Central Government from time to time.

**20. Period of probation.**— (1) Every person appointed under rule 5 or rule 16 to Grade II of the

Service shall be on probation for a period of two years.

(2) The Administrator may in the case of any person extend or reduce the period of probation.

(3) A person on probation shall be liable to be discharged from service at any time without assigning any reason, provided that if he holds a lien on any permanent post under the Central Government, a State Government or Government of Goa, Daman and Diu, he shall be liable to be reverted to that post.

(4) A person on probation who holds a lien on any permanent post under the Central or a State Government may, if he so desires during the period of probation, have the option to revert back to his parent Department or Government after giving such notice as may be prescribed by the Administrator.

**21. Training and departmental examination.**—A person appointed under rule 5 or rule 16 to the Service shall undergo such training and pass during the period of probation such departmental examinations as the Administrator may from time to time prescribe:

Provided that the Administrator may exempt, subject to such conditions it may impose, either wholly or partly from such training or departmental examinations, any person appointed under clause (b) of sub-rule (1) of rule 5 or rule 16.

**22. Confirmation in Service.**—A person who has been declared to have satisfactorily completed his period of probation may be confirmed in the Service.

#### PART VIII

##### Officiating Appointments

**23. Selection for officiating appointments.**—If at any time the Administrator is of opinion that the number of officers available in the list referred to in sub-rule (4) of rule 14 for appointment to duty posts is not adequate having regard to the vacancies in such posts, he may direct the Committee to consider the case of officers who have officiated for a period of not less than two years in any of the posts mentioned in clause (b) of sub-rule (1) of rule 5, and prepare a separate list of officers selected. The selection for inclusion in the list shall be based on merit and suitability in all respects for officiating appointments to duty posts with due regard to seniority. The provisions of sub-rules (2) and (3) of rule 13 and 14 shall apply *mutatis mutandis* in the preparation of the list under this rule.

**24. Officiating appointment to the Service.**—(1) If a member of the Service is not available for holding duty post, the post may be filled on an officiating basis—

(a) by the appointment of an officer included in the list referred to in sub-rule (4) of rule 14 or

(b) if no such officer is available, by the appointment of an officer included in the list prepared under rule 23.

(2) Notwithstanding anything contained in these rules, if the exigencies of service so require, a duty post for a member of the Service is not available, may after consultation with the Commission be filled on an officiating basis by the appointment of

an officer belonging to a State Civil Service (Judicial) on deputation for such period or periods ordinarily not exceeding three years.

(3) Notwithstanding anything contained in these rules, where appointment to a duty post is to be made purely as a local arrangement for a period not exceeding six months, such appointment may be made by the Administrator from persons who are included in the list prepared under sub-rule (4) or rule 14 or rule 23 or who are eligible for inclusion in such a list.

(4) Any appointment made under sub-rule (3) shall be reported by the Administrator to the Commission forthwith.

#### PART IX

##### Miscellaneous

**25. Posting of members of the Service.**—Every member of the Service shall, unless he is appointed to an ex-cadre post, or is otherwise not available for holding a duty post owing to the exigencies of service, be posted against a duty post under the Government of Goa, Daman and Diu by the Administrator or such officer as may be authorised by him in this behalf.

**26. Appointments to duty posts of the Service.**—(1) Save as otherwise provided in sub-rule (2), every duty post shall be held by a member of the Service or an officer appointed to officiate under Part VIII of these rules.

(2) A post included in selection grade and Grade I of the Service may be held by an absorbed employee who is not a member of the Service if on the date of commencement of these rules he was holding such a post otherwise than on a purely temporary basis, and a post included in Grade II of the Service may be held by an absorbed employee if on the date of commencement of these rules he was holding such a post otherwise than on a purely temporary basis.

**27. Seniority.**—The Administrator shall prepare a list of members of the Service arranged in order of seniority as determined in the manner specified below:—

(i) in the case of persons appointed on the result of competitive examination, or by selection under clause (b) of sub-rule (1) of rule 5, seniority in the Service shall be determined by the order in which appointments are made to the Service.

Provided that—

(a) persons recruited on the results of the competitive examination, in any year shall be ranked inter se in the order of merit in which they are placed at the competitive examination on the results of which they are recruited, those recruited on the basis of an earlier examination being ranked senior to those recruited on the basis of later examination.

(b) the relative seniority inter se of persons recruited by selection shall be determined on the basis of the order in which their names are arranged in the list prepared under rule 13.

(ii) The seniority of members of the Service appointed at the initial constitution of the Service in accordance with the provisions of Part VI of these

rules, shall be determined *ad hoc* by the Administrator in consultation with the Commission, due regard being had to the posts previously held by them under the Governments concerned and the length of service rendered by them therein:

Provided that in the case of persons appointed under the provisions to sub-rule (1) of rule 16, if two or more persons belong to the same parent service or Department are thus appointed, they shall be ranked inter se in the order of their relative seniority in the parent service or Department, as the case may be.

(ij) The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion under rule 5.

**28. Pay and Allowances.**—(1) The scales of pay attached to the Service shall be as follows:—

- (i) Selection Grade — Rs. 900-50-1100-EB-60-1600-EB-100-1800.
- (ii) Grade I — Rs. 700-40-1100-50-1150.
- (iii) Grade II (Senior) — Rs. 590-30-830-35-900.
- (iv) Grade II (Junior) — Rs. 350-25-500-30-590-EB-30-900.

(2) A person recruited on the results of competitive examination shall, on appointment to the Service, draw pay at the minimum of the time scale. The pay and increments in the case of other persons appointed to the Service shall be regulated in accordance with the Fundamental Rules:

Provided that it shall be open to the President to determine the pay of any member of the Service in such manner as the President deems fit if the special circumstances of his case so require.

(3) Dearness and other allowances shall be paid to persons holding the duty posts at such rates as may be determined by the President from time to time.

**29. Appointments to Grade II (Senior), Grade I and Selection Grade.**—(1) Appointments of members of the Service to the Grade II (Senior), Grade I and Selection Grade shall be made in consultation with the Commission on the basis of merit with due regard to seniority.

(2) (i) An officer with a minimum of four years service in Grade II (Junior) shall be eligible for being considered for appointment to the Grade II (Senior).

(ii) An officer with a minimum of four years of service in Grade II (Senior) or eight years of service in Grade II (Junior) under the Government of Goa, Daman and Diu, shall be eligible for being considered for appointment to Grade I.

(iii) An officer with a minimum of three years service in Grade I shall be eligible for being considered for appointment to Selection Grade:

Provided that service in a duty post or an equivalent or higher post under Central Government, Government of Goa, Daman and Diu or in a State Civil

Service (Judicial) shall count towards the aforesaid prescribed period:

Provided further that where a person is considered for such appointment, all persons senior to him in the respective grades shall also be considered irrespective of the fact whether or not they fulfil the requirements as to the minimum of the number of years of prescribed service.

**30. Power to make regulations.**—The Administrator may make regulations not inconsistent with these rules, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to these rules.

**31. Residuary matters.**—In regard to matters not specifically covered by these rules or by regulations or orders issued thereunder or by special orders, the members of the Service shall be governed by the rules, regulations and orders applicable to corresponding officers serving in connection with the affairs of the Union:

Provided that any power exercisable by the Central Government under such rules, regulations and orders may be delegated by it to the Administrator subject to such conditions as it may prescribe.

**32. Interpretation.**—If any question arises as to the interpretation of these rules, the same shall be decided by the Administrator.

#### PART X

##### Transitional Arrangements

**33. Transitional provision.**—(1) On and after the commencement of these rules and until persons are appointed to hold the duty posts in accordance with the provisions of these rules such posts may continue to be held by officers who are holding such posts at the commencement of these rules as if these rules have not come into force.

(2) This rule shall cease to be in force after a period of two years from the date of commencement of these rules.

#### PART XI

##### Relaxation

**34. Power to relax.**—Where the Administrator is of the opinion that it is necessary to expedient so to do, he may, by order, for reasons to be recorded in writing, and, in consultation with the Commission, relax any of the provisions of these rules with respect to any class or category of persons or posts.

**35. Amendment of the 1st Schedule.**—The Administrator may, by order, amend the first schedule from time to time by way of addition of any post thereto as a duty post or alteration of strength of the duty posts or pay or time scale of pay and where the first schedule is so amended, any reference to that schedule in these rules shall be construed as a reference to such schedule as so amended.

#### SCHEDULE I

(See Rules 4 and 15)

The authorised permanent and temporary strength of the Service and the nature of posts included in it are as follows:—

Selection Grade

1. District and Sessions Judge (Permanent)	0
2. Additional District and Sessions Judge (Temporary)	1
Total	2

Grade I

1. Civil Judge Senior Division-cum-Judicial Magistrate First Class (Permanent)	6
2. District Registrar (Permanent)	1
3. Officer on Special Duty, Law Commission (temporary)	1
Total	8

Grade II (Senior)

1. Registrar of Judicial Commissioner's Court (Permanent)	1
2. Registrar of Administrative Tribunal (Permanent)	1
3. Land Registrar	3
Total	5

Grade II (Junior)

1. Civil Judges Division-cum-Judicial Magistrates First Class	
(Permanent)	3
(Temporary)	7
2. Deputation, Leave and Training Reserves	—
Total	10

SCHEDULE II

(See Rules 5 and 23)

1. Public Prosecutors (Delegado).
2. Assistant Public Prosecutors (Sub-Delegado).
3. Superintendent in Law and Judiciary Department, Goa, Damand and Diu, Secretariat.
4. Assistant Registrar, Judicial Commissioner's Court.
5. Superintendent, Judicial Commissioner's Court.
6. Civil Registrars-cum-Sub-Registrars.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

M. S. Borkar, Under Secretary.

Panaji, 18th April, 1970.